

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERK'S OFFICE  
2004 OCT -8 P 4:27  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

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IN RE PHARMACEUTICAL INDUSTRY : MDL 1456  
AVERAGE WHOLESALE PRICE :  
LITIGATION, :  
: Master File No. 01-CV-12257-PBS  
THIS DOCUMENT RELATES TO: :  
ALL ACTIONS :  
: Judge Patti B. Saris  
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**MOTION TO ENLARGE THE TIME FOR NON-PARTIES  
FIRST DATABANK, INC. AND PATRICIA KAY MORGAN TO FILE THEIR  
OBJECTIONS TO RULINGS OF THE MAGISTRATE JUDGE RE:  
DEFENDANTS' MOTION TO ENFORCE SUBPOENA FOR, AND COMPEL  
THE DEPOSITION OF PATRICIA KAY MORGAN**

Non-parties First DataBank, Inc. and Patricia Kay Morgan, respectfully move this Court for an order enlarging the time within which they must file their Objections to the Order dated September 27, 2004 by Magistrate Judge Bowler concerning the Motion of Defendants, Novartis Pharmaceuticals Corporation and Bristol-Myers Squibb Company, to compel deposition testimony from Patricia K. Morgan (Docket No. 941).

As grounds for this motion, undersigned counsel states that Magistrate Judge Bowler held a hearing on the above-referenced motion on September 27, 2004, and after hearing arguments of the parties issued a ruling, with reasons stated, from the bench. No written Court Order was issued and thus the reasoning underlying the Magistrate Judge's ruling is reflected exclusively in the transcript of the hearing. A copy of the transcript was ordered from the Court Reporter the day after the hearing, but counsel has been informed by the Court Reporter that the transcript will not be completed until some time during the

week of October 11, 2004. (See Affidavit of Attorney Alia L. Smith, attached hereto as Exhibit "A")

Non-parties First DataBank, Inc. and Patricia Kay Morgan, therefore respectfully request that the time within which they must file their Objections pursuant to Fed. R. Civ. P. 72(a) and Rule 2(b) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, be enlarged up to and including ten days after they receive, through counsel, the transcript of the above-referenced September 27, 2004 hearing.

Respectfully submitted,

**FIRST DATABANK, INC. AND  
PATRICIA K. MORGAN,**

By their attorneys,

  
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CERTIFICATE OF SERVICE

I Hereby Certify That On This Day  
A True Copy Of The Within Document  
Was Served Upon The Attorney Of  
Record For Each Party By Mail/~~Hand~~

Dated: 10/8/04 